

6-10-05

Ifw/ 2157

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)

PECONE)

Serial No.: 09/967,194)

Filed: September 28, 2001)

Atty. File No.: 4430-32)

For: "MODULAR ARCHITECTURE)
FOR A NETWORK STORAGE)
CONTROLLER")

INFORMATION
DISCLOSURE STATEMENT

EXPRESS MAIL: EV556787692US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.

☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ Other: Attached hereto are copies of Office Actions from the UK Patent Office for related UK application No. GB0406739.3, dated November 10, 2004, and related UK application No. GB0406740.1, dated November 10, 2004.

☒ Examiner's attention is drawn to the following co-pending applications, copies of which are enclosed:

US 2004/0177126A1 – Serial No. 10/368,688, filed February 18, 2003

US 2005/0102557A1 – Serial No. 10/946,341, filed September 21, 2004

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 CFR 1.113 or(2) a notice of allowance under 37 CFR 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.

<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e) AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>
--------------------------	---

Certification (37 CFR 1.97(e))
(Applicable only if checked)


- ☐ The undersigned certifies that:
- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).
- ☐ A copy of the communication from the foreign patent office is enclosed.

OR

- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).

Respectfully submitted,

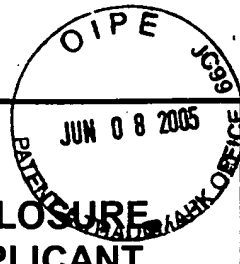
SHERIDAN ROSS P.C.

By: 
 Bradley M. Knepper
 Registration No. 44,189
 1560 Broadway, Suite 1200
 Denver, CO 80202-5141
 (303) 863-9700

Date: June 8, 2005

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT



Complete if Known

Application Number	09/967,194
Filing Date	September 28, 2001
First Named Inventor	Victor Key Pecone
Art Unit	
Examiner Name	
Attorney Docket Number	4430-32

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-5,619,642	04/08/1997	Nielson et al.	
	2	US-6,493,795	12/10/2002	Arsenault et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	3	EP	- 0 800 138 A1	10/08/1997	Symbios Logic		
	4	EP	- 0 817 054 A2	01/07/1998	Digital Equip Corp		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Cite No. ¹	
	5	European Examination Report for Application No. GB0406739.3, dated November 10, 1004
	6	European Examination Report for Application No. GB0406740.1, dated November 10, 2004

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.